



**US Army Corps
of Engineers®**
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

In Reply Refer to: Programs/Project Management Division
Date: March 13, 2006
Comment Period Closes: April 14, 2006

30 DAY PUBLIC NOTICE

MAINTENANCE OF SOUTH JETTY NEWBURYPORT HARBOR FEDERAL NAVIGATION PROJECT NEWBURYPORT, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), New England District, plans to repair the Federal navigation project, under the provisions of Section 404 of the Clean Water Act of 1977 (P.L. 95-217) and to authorize such work in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. Attachment No. 1 lists pertinent laws, regulations, and directives.

Project Description: The South Jetty is one of three existing Federal projects in Newburyport Harbor approved by the River and Harbor Act of 2 March 1902 with work on the jetty being completed in 1905. Maintenance of the project would be a Federal responsibility contingent upon the availability of the maintenance funds, the continuing justification of the project, and the environmental acceptability of required maintenance activities. The function of the jetty is to provide a stabilized entrance channel for the Merrimack River through the entrance bar channel.

Character and Purpose of Work: The purpose of work is to perform repairs to the South Jetty at the entrance to the Merrimack River at Plum Island, Newburyport, Massachusetts. The jetty is no longer at authorized dimensions due to storm damage and settling. The proposed work will restore the jetty to its authorized dimensions – a crest at +12 Mean Lower Low Water (MLLW), 15 feet in width, side slopes of 1 on 2 on the ocean side and 1 on 1 on the river side. We estimate approximately 4,800 cubic yards of new stone would be needed to return the project to its authorized dimensions. See Attachment 2 for locations. We do not anticipate that the work will require the off-site disposal of materials, i.e. stone. The proposed work will restore the jetty to its original design parameters. This work includes repairing damaged areas by placing additional stones and/or retrieval of stone protection materials which have been removed or fallen off of the structure.

Additional Information: For further information on the project please contact the project manager Mr. Ed O'Donnell, Programs/Civil Project Management Branch, Programs/Project Management Division, at the return address shown, telephone number (978) 318-8375. Collect calls will be accepted weekdays between 9:00 a.m. and 3:00 p.m.

Coordination: The proposed work is being coordinated with the following Federal and State agencies:

Federal

U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service

Commonwealth of Massachusetts

Massachusetts Department of Environmental Protection
Massachusetts Office of Coastal Zone Management
Massachusetts Historical Commission

Town of Newburyport, Massachusetts

Harbor Master

Environmental Impacts: This project is being conducted under our Generic Environmental Assessment for "Breakwater, Jetty, Seawall, and Groin Repair in New England" signed in 1994. It is our preliminary determination that no significant adverse environmental impacts will occur as a result of this project. I have made a preliminary determination that an Environmental Impact Statement for the proposed work is not required under the provisions of the National Environmental Policy Act of 1969. This determination will be reviewed in light of facts submitted in response to this notice.

Federal Consistency with the Coastal Zone Management Program: I find that repair of the structure is consistent, to the maximum extent practicable, with the applicable management program established as a result of the Coastal Zone Management Act of 1972. The jetty repair work will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

Other Information:

- a. **Previous Repair/Rehabilitation:** The last repair and rehabilitation was performed in 1970.
- b. **Endangered Species:** It is our preliminary determination that the proposed activity would not affect endangered species in the project area. The Corps will consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to ensure that the proposed activity will not significantly effect any species or critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844).

c. Floodplain Management: In accordance with Executive Order 11988, the Corps of Engineers has determined that the proposed work will not contribute to negative impacts or damages caused by floods.

d. Cultural Resources: The proposed work consists of repairing damaged areas by placing additional stones and/or retrieval of stone protection materials which have been removed or fallen off of the existing structure. No significant natural or cultural features of historical importance are located at or in the vicinity of the project area. Therefore the proposed work will not affect any cultural or archaeological features or resources in the area of the repairs.

e. Essential Fish Habitat Assessment: It is our preliminary determination that the proposed activity may have a temporary adverse effect on Essential Fish Habitat (EFH). The Corps will consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to ensure that any impact will be minimized.

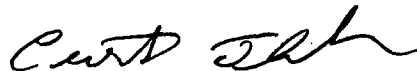
The decision whether to perform the work will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people.

Any person who has an interest, which may be affected by the jetty reconstruction, may request a public hearing. The request must be submitted in writing to me within 30 days of the date of this notice and must clearly set forth the interest, which may be affected and the manner in which the interest may be affected by this activity.

Please bring this notice to the attention of anyone you know to be interested in this project. Comments are invited from all interested parties and should be directed to me at U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Ed O'Donnell, within 30 days of this notice.

21 Feb 2006

Date



Curtis L. Thalken
Colonel, Corps of Engineers
District Commander

PERTINENT LAWS, REGULATIONS, AND DIRECTIVES

Clean Water Act, as amended (33 U.S.C. 1251 et. seq.)

Code of Federal Regulation, Title 33, Parts 335 through 338

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)

Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)

Fish and Wildlife Act of 1956 (16 U.S.C. 472a, et. seq.)

Migratory Marine Game-Fish Act (16 U.S.C. 760c-760g)

Coastal Zone Management Act of 1972 [16 U.S.C. 1456(c)(1) and (2)],

Sections 307(c)(1) and (2)

National Historic Preservation Act of 1966 (16 U.S.C. 470)

Endangered Species Act of 1973 as amended (16 U.S.C. 668aa-668cc)

Clean Air Act, as amended (42 U.S.C. 1221 et. seq.)

Estuary Protection Act (16 U.S.C. 1221 et. seq.)

Federal Water Project Recreation Act, as amended (16 U.S.C. 4601-12 et. seq.)

Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 et. seq.)

Magnuson-Stevens Fishery Conservation and Management Act and amended by the

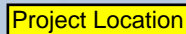
Sustainable Fisheries Act of 1996

Executive Order 11988, Floodplain Management, 24 May 1977

Executive Order 11990, Protection of Wetlands, 24 May 1977

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority

Populations and Low Income Populations, 11 February 1994

NEWBURYPORT HARBOR
MASS.

30 SEPTEMBER 1986

SCALE IN FEET

Age Group	Percentage
18-24	~2800
25-34	~2500
35-44	~2200
45-54	~1800
55-64	~1500
65-74	~1200
75-84	~800
85+	~100

DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
WALTHAM, MASS.

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, NEW ENGLAND
CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

FIRST CLASS

**FIRST CLASS MAIL
US POSTAGE
PAID
CONCORD MA
PERMIT NO. 494**

**OFFICIAL BUSINESS
METER CODE: 70
CENAE-PP-M**

**IMPORTANT
This is not a circular.**